

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**


<b>COMMONSPIRIT HEALTH</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 3:21-cv-00460</b>
	)	<b>Judge Trauger</b>
<b>HEALTHTRUST PURCHASING</b>	)	<b>Magistrate Judge Holmes</b>
<b>GROUP, L.P. et al.</b>	)	

**O R D E R**

The parties have largely been unable to manage discovery in this case without judicial intervention. Beginning in June 2022, after entry of a scheduling order in January 2022 (Docket No. 63), the parties' discovery disputes were described in a joint filing consisting of almost 200 pages. (Docket No. 76.) Despite the Court's clear directions regarding discovery (Docket No. 78), an updated joint discovery dispute statement, consisting of some 357 pages, was filed in August 2023. (Docket No. 79.) Following a lengthy discovery hearing on November 17, 2022, at which the Court again gave the parties direction for resolution of the disputed discovery issues, and after which the Court entered multiple orders regarding discovery (Docket Nos. 95 and 112), the parties have returned for additional judicial intervention in resolution of their unsuccessful efforts at managing discovery. (Docket No. 117.) The volume and intensity of the parties' discovery contests strain the Court's already limited judicial resources and preclude the efficient and expeditious resolution of those disputes, particularly given the remaining time in the current discovery period and the Court's current workload.

Accordingly, the Court intends to appoint a special master under Fed. R. Civ. P. 53(a)(1)(C) to resolve the pending discovery dispute and any other discovery disputes<sup>1</sup>, with the cost to be shared equally by the parties, subject to reallocation as may be appropriate. A telephonic hearing for the parties to be heard on the appointment of a special master to resolve discovery disputes will be held on **January 25, 2023, at 10:00 a.m. (CT)** using the Court's conference line at 1-877-402-9753, access code 3808663#. Prior to that date, counsel for the parties must confer about the appointment of a special master, including any suggested candidates for appointment. If the parties reach an agreement for appointment of a special master, including the individual to be appointed in that capacity, they may, by no later than **January 23, 2023**, file a joint motion for appointment of their selected candidate as special master.

It is SO ORDERED.

  
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BARBARA D. HOLMES  
United States Magistrate Judge

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<sup>1</sup> The undersigned takes this action after consultation with Judge Trauger.